

**FIRE**Foundation for Individual  
Rights and Expression

March 19, 2025

**Sent via Electronic Case Filing**

Judge Lee H. Rosenthal  
United States Court for the Southern District of Texas  
Post Office Box 61010  
Houston, Texas 77208

***Re: Errata concerning citation during oral argument in Texas A&M  
Queer Empowerment Council v. Mahomes, No. 4:25-cv-992***

Dear Judge Rosenthal:

During the March 18, 2025, hearing on Plaintiff Queer Empowerment Council's motion for a temporary restraining order and preliminary injunction (ECF No. 3), the Court asked for authority on public disagreement concerning the distinction between sex and gender. I mistakenly referenced then-Judge Alito's opinion in *Saxe v. State College Area School District*, 240 F.3d 200 (3d Cir. 2001).

The correct authority is *DeJohn v. Temple University*, 537 F.3d 301, 319 n.20 (3d Cir. 2008) (Smith, J.).

Respectfully submitted,

Adam Steinbaugh (Cal. Bar No. 304829)\*  
Attorney

FOUNDATION FOR INDIVIDUAL RIGHTS  
AND EXPRESSION

510 Walnut Street, Suite 900  
Philadelphia, PA 19106  
Tel: (215) 717-3473, ext. 213  
adam@thefire.org

**Counsel for Plaintiff Texas A&M Queer**

March 19, 2025

Page 2 of 2

**Empowerment Council**

*\*Admitted pro hac vice*

CC: Mr. Zachary Berg, Counsel for Defendants (by ECF)